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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,377	11/08/2001	Tomoko Yamada	1982-0171P	5133
2292	7590	10/04/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			WILSON, YOLANDA L	
			ART UNIT	PAPER NUMBER
			2113	

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/986,377

Applicant(s)

YAMADA, TOMOKO

Examiner

Yolanda Wilson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,9,11 is/are rejected.
- 7) ☒ Claim(s) 7,8 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## DETAILED ACTION

### *Claim Objections*

1. Claims 7,8,10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-6,9,11 are rejected under 35 U.S.C. 102(e) as being anticipated by Kobayashi (USPN 6513113B1). As per claim 1, Kobayashi discloses an image processing section which performs system initialization processing for image processing when a power source is turned on or at a starting, and performs image processing in accordance with an instruction for execution of image processing; an abnormal state detecting section for detecting generation of an abnormal state of the image processing section; and a trial section which, when the abnormal state of the image processing section is detected by the abnormal state detecting section, makes a trial of eliminating the abnormal state by controlling so that at least the image processing section transits to an initial

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state without performing the system initialization processing in column 7, lines 35-60.

4. As per claim 2, Kobayashi discloses wherein the system initialization processing by the image processing section includes at least one of an operation of turning on again a power source of the image processing section, and an operation of down loading a parameter or a program to an image processing substrate, which is mounted in the image processing apparatus and is a part of the image processing section in column 7, lines 35-60.

5. As per claim 3, Kobayashi discloses further comprising an equipment related to the image processing, wherein the system initialization processing performed by the image processing section includes at least one of an operation of turning on again a power source of the equipment related to the image processing and initializing the equipment related to the image processing, and an operation of down loading a parameter or a program to the equipment related to the image processing in column 7, lines 35-60.

6. As per claim 4, Kobayashi discloses wherein the abnormal state detecting section is provided so as to detect the abnormal state of the image processing section based on a determination as to whether a restart button for indicating restart of the image processing section is turned on in column 7, lines 35-60. The abnormal state detecting section is the watchdog pulses.

7. As per claim 5, Kobayashi discloses wherein the image processing section comprises a single main process and plural sub-processes, and the trial section allows transition of the image processing section to an initial state by giving, to

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the plural subprocesses of the image processing section, an instruction for transition to an initial state in column 7, lines 35-60.

8. As per claim 6, Kobayashi discloses further comprising an equipment related to the image processing, wherein the trial section allows transition of the equipment related to the image processing, to an initial state by giving, to the equipment related to the image processing, an instruction for transition to an initial state in column 7, lines 35-60.

9. As per claim 9, Kobayashi discloses further comprising a notification section for giving a notice that the transition to an initial state by the trial section succeeds or fails in column 7, lines 35-60.

10. As per claim 11, Kobayashi discloses an image processing apparatus including an image processing section which performs system initialization processing for image processing when a power source is turned on or at a starting, and performs image processing in accordance with an instruction for execution of image processing, said method comprising the steps of: when an abnormal state of the image processing section is detected, making a trial of eliminating the abnormal state by controlling so that at least the image processing section transits to an initial state without performing the system initialization processing; and controlling the image processing section so that, when the transition to an initial state fails, the image processing section is restarted and performs the system initialization processing in column 7, lines 35-60. The initial state is trying to be booted by another stored program.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yolanda Wilson whose telephone number is (571) 272-3653. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571) 272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Yolanda Wilson  
Examiner  
Art Unit 2113

ylw

  
ROBERT BEAUSOLIEL  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100